

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DARRIAN RACHEL,
Plaintiff,

Case No. 1:12-cv-575

vs

Spiegel, J.
Bowman, M.J.

UNITED DAIRY FARMERS,
Defendant.

ORDER

On October 2, 2012, the District Court issued an Opinion and Order reversing the undersigned's Report and Recommendation to dismiss the plaintiff's complaint as frivolous on initial *sua sponte* screening of the complaint under 28 U.S.C. § 1915(e)(2)(B). (*See* Docs. 4, 6). In so ruling, the District Court emphasized that it "was not finding that the record as it stands supports a strong case, but rather there is enough before the Court to show that Plaintiff's claims merit investigation and not just dismissal." (Doc. 6, p. 3). The Court continued: "Clearly Plaintiff needs to amend her Complaint if she wishes to withstand a motion by Defendant to dismiss her case." (*Id.*).

In order to allow the plaintiff the opportunity to address the District Court's stated concerns, and in order to determine whether or not plaintiff is actually able to state a claim for relief upon which relief may be granted by this Court, plaintiff is hereby **ORDERED** to file an amended complaint, in which plaintiff may allege actionable facts as pointed out by the District Court, within thirty (30) days from the date of filing of this Order. Plaintiff is hereby advised that failure to comply with this Order will result in the dismissal of this action for lack of

prosecution.

IT IS SO ORDERED.

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge